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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,058	12/29/2000	Mark Gibson	476-1976	8984
23644	7590	01/25/2005	EXAMINER	
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786			MOORE, IAN N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/751,058

Applicant(s)

GIBSON ET AL.

Examiner

Ian N Moore

Art Unit

2661

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 13.

Claim(s) objected to: _____.

Claim(s) rejected: 1-3,5,6,8-13,17-23.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☒ Other: See Continuation Sheet


BRIAN NGUYEN
PRIMARY EXAMINER

1/19/05

Continuation of 5. does NOT place the application in condition for allowance because: Regarding claims 1,17,23, applicant argues that Kodialam discloses no end to end paths across, in page 7, para. 3, examiner asserts an end to end paths across the network as the paths/routes between Source S1 and Destination D1 (see Kodialam FIG. 6). Applicants is not claiming any specific algorithm thus Kodialam algorithm reads on the claims. Regarding the arguments on page 8, Kodialam teaches defining and installing partial routes (see FIG. 6, first route of N1-N4-N9-N10 and second route N10-N11-N13; see FIG. 4, Forwarding Table 510 in the memory 505; see col. 10, lines 42-56; see col. 3, lines 52-58) in the network, each partial route comprising at least two LSPs (see FIG. 6, first route N1-N4-N9-N10 contains 3 LSPs between N1, N4, N9 and N10; see col. 11, lines 5-45) with a pre-installed cross-connection (see FIG. 5, Forwarding Table 510, and Table 1 see col. 11, lines 15-45) in a node at each end of the at least two LSPs (see FIG. 6, N1 and N10) such that an end-to-end route across the network (see FIG. 6, end-to-end route between S1 and D1) can be defined as the concatenation of two of said partial routes across the network (see FIG. 6, partial routes N1-N4-N9-N10, and N10-N11-N13, which forms an end-to-end N1-N4-N9-N10-N11-N13; see col. 11, lines 5-59; Table 1).

Claim 13 is allow since it incorporates the allowable subjection matter of claim 15, and cancelling the claim 15. Depended claims 4 is also cancelled.